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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,464	03/26/2004	Richard Hai Huang	SAR100064000	1785
22891	7590	07/27/2005	EXAMINER	
DELIO & PETERSON 121 WHITNEY AVENUE NEW HAVEN, CT 06510			LUGO, CARLOS	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/811,464

Applicant(s)

HUANG, RICHARD HAI

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>attachment #1 and #2</u> . |

DETAILED ACTION

Drawings

1. The drawings are objected to because:
 - In Figure 2, change "10" to -18-.
 - In Figure 3, clearly illustrates the spindle 12 (see attachment #1 point A).
 - In Figures 4 and 5, clearly define the mounting plate and the mounting posts with appropriate cross-hatching. The current drawings show that the mounting posts and the mounting plate are a one-piece embodiment when they are separate members connected together (see attachment #1 point B).
 - In Figure 4, change the pointing line position of element 40b' (see attachment #1).
 - In Figure 5, change the pointing line position of element 48' (see attachment #1).
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:
 - Elements 120, 122, 124, 126a, 126b, 128, and 130 (Figures 10a and 10b) are not described in the specification.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:
 - Elements 49, 62 and 60c are not illustrated in the drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The specification is objected to because of the following informalities:

- Page 9 Line 23, change "internal threads 35" to -external threads 35-.
- Page 10 Line 4, change "the inner lip has external threads 49 for threading onto the inner threads 35 of the cover 26" to -the inner lip has internal threads 49 for threading onto the external threads 35 of the cover 26" -.
- Page 12 Line 15, change "portion 8" to -portion 68-.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. **Claims 1-20 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 11 recite the limitation “a cover having a base and a door facing outer lip around the base periphery and an internal threaded through opening in the base which opening is sized to allow the cover to rotate freely on the handle and the base rests against the shoulder; a mounting plate sized to fit within the outer lip and having a through opening with a lip having external threads which are to be threaded with the internal threads of the cover” in lines 6-12 and 7-13 respectively.

It is unclear how the outer lip of the caver could have internal threads engaged with external threads of lip of the mounting plate.

As seen in Figure 4, see attachment #2, the cover 26 has a lip 34 and the mounting plate 46 also has a lip 48. The lip 48 is located over the lip 34; therefore, the cover lip 34 has external threads that threadedly engage inner threads at the mounting lip 48.

In order to continue with the examination, the examiner will examine the claim with this interpretation until appropriate correction or explanation by the applicant is submitted.

Also, claims 1 and 11 recite the limitation "elongated spring" and "elongated spindle" in lines 16 and 19 and in lines 17 and 20 respectively. It is unclear if this spring and this spindle is the same or is a different spring or spindle to the ones already cited in lines 5 and 6 of claims 1 and 11.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1,8-11, and 18-20 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,813,708 to Shen in view of US Pat No 305,426 to Clark, in view of US Pat No 3,471,190 to Wansbrough et al (Wansbrough) and further in view of US Pat No 4,460,204 to Olsen.

Regarding claims 1 and 11, Shen discloses an integrated door lock handle and trim spindle comprising a door lock handle (52) having a support shoulder and an axial blind opening in the handle for accommodating a spring (51) and a spindle (50).

However, Shen fails to disclose that the end of the handle has external threads; that the cover has a base and an outer lip with external threads; that the assembly comprises a mounting plate sized to fit within the outer lip and having internal threads; a cap nut having a through opening with internal threads which are to be threaded with the external threads of the handle; and that the spindle can be retracted decreasing the effective length of the spindle enabling the assembly to be

used for doors of varying thicknesses. Shen discloses a different assembly engagement.

With respect to the connection between the cover and the mounting plate having lips threadedly engaged, Wansbrough teaches that it is well known in the art to have the cover (5) that includes a lip (12) with external threads that threadedly engage a lip of a mounting plate (4) having internal threads (Figures 1 and 4).

With respect to the engagement of the cap nut with the external threads at the end of the handle, Olsen teaches that it is well known in the art to have a cap nut (6) threadedly engaged to external threads (3) at the end of a handle.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly described by Shen with an engagement of the cover and the mounting plate, as taught by Wansbrough, and with the engagement of the cap nut with the end of the handle, as taught by Olsen, in order to secure the assembly.

As to the fact that Shen fails to disclose that the spindle can be retracted decreasing the effective length of the spindle enabling the assembly to be used for doors of varying thicknesses, Shen discloses that the spring 51 is introduced into a channel of the handle and abuts the spindle 50.

Clark teaches a similar position of components, having a handle (1 and 2) with a channel that receives a spring (12) that abuts an end of the channel and an end of a spindle. Clark teaches that this connection permits or allows the adjustment of the

spindle enabling the assembly to be used for doors of varying thicknesses (Lines 63-66).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the device described by Shen with an adjustment assembly, having the spring positioned between the end of the channel at the handle and abutting the end of the spindle, as taught by Clark, in order to enabling the assembly to be used for doors of varying thicknesses.

As to claims 8 and 18, Shen discloses that the assembly is pre-assembled.

As to claims 9 and 19, Shen discloses that the rear end of the spindle (50) is shaped to engage the front end of the spring (51).

As to claims 10 and 20, Shen discloses that the cover is an escutcheon.

9. **Claims 2 and 12 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,813,708 to Shen in view of US Pat No 305,426 to Clark, in view of US Pat No 3,471,190 to Wansbrough et al (Wansbrough) and further in view of US Pat No 4,460,204 to Olsen as applied to claims 1 and 11 above, and further in view of US Pat No 6,619,710 to Hwang.

Shen, as modified by Clark, Wansbrough and Olsen, fails to disclose that the assembly further comprising elongated mounting posts having an enlarged end held in the assembly with the free ends of the posts extending axially through openings in the mounting plate. Shen discloses that the mounting plate (60) has elongated mounting post as part of the mounting plate body.

Hwang teaches that it is well known in the art to have elongated mounting posts (32) as separate members attached and extending through apertures of a mounting plate (33).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly described by Shen, as modified by Clark, Wansbrough and Olsen, with mounting posts as separate members from the mounting plate, as taught by Hwang, since the fact that the members are a one-piece construction or are separate members attached together is considered as a design consideration within the art that would not affect the mechanism of the lock.

Allowable Subject Matter

10. **Claims 3 and 13 would be allowable** if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Claims 4-7 and 14-17 would also be allowed because the claims depend from claims 3 and 13 respectively.

Reasons For Allowable Subject Matter

11. The following is an examiner's statement of reasons for allowable subject matter:

Claims 3 and 13 presents allowable subject matter over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the assembly further comprising a spring disposed between the mounting plate and the base of the cover.

Shen, as modified by Clark, Wansbrough, Olsen and Hwang, fails to disclose that the assembly comprises a spring disposed between the mounting plate and the base

of the cover. Kim (US 6,425,273) teaches that it is well known in the art to have a spring (46) mounted between a mounting plate (48) and the base of a cover (8). However, there is no motivation to combine the teachings of Kim into the device presented by Shen, as modified by Clark, Wansbrough, Olsen and Hwang, since the spring is used to bias the mounting posts against the mounting plate and the device presented by Shen, as modified by Clark, Wansbrough, Olsen and Hwang, will not require to bias the mounting posts against the mounting plate.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.
Carlos Lugo
AU 3676
July 22, 2005


BRIAN E. GLESSNER
PRIMARY EXAMINER

FIG.4



FIG.3

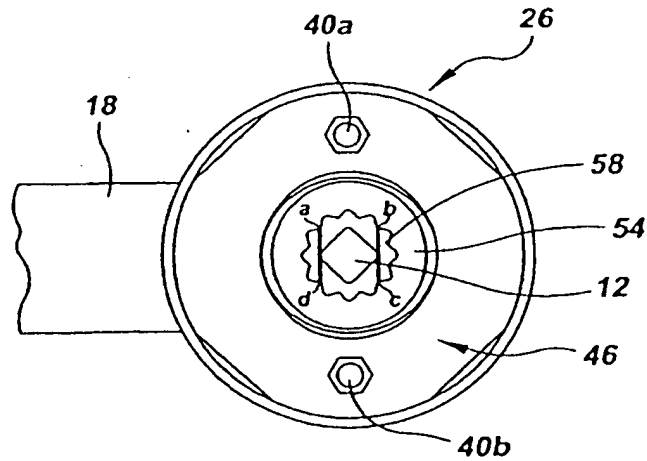


FIG.4

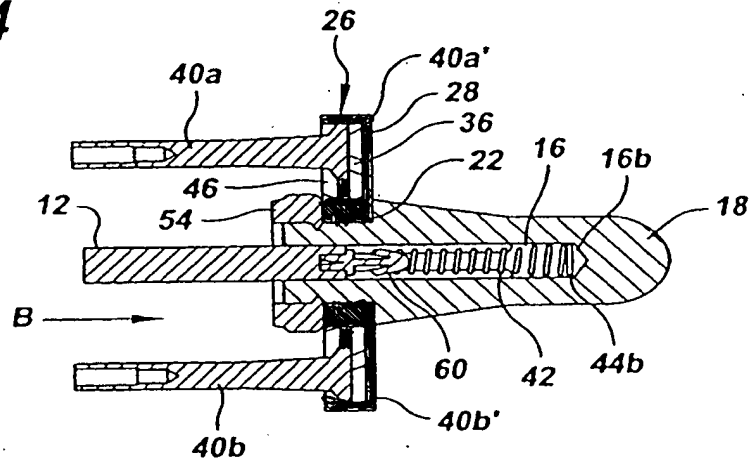
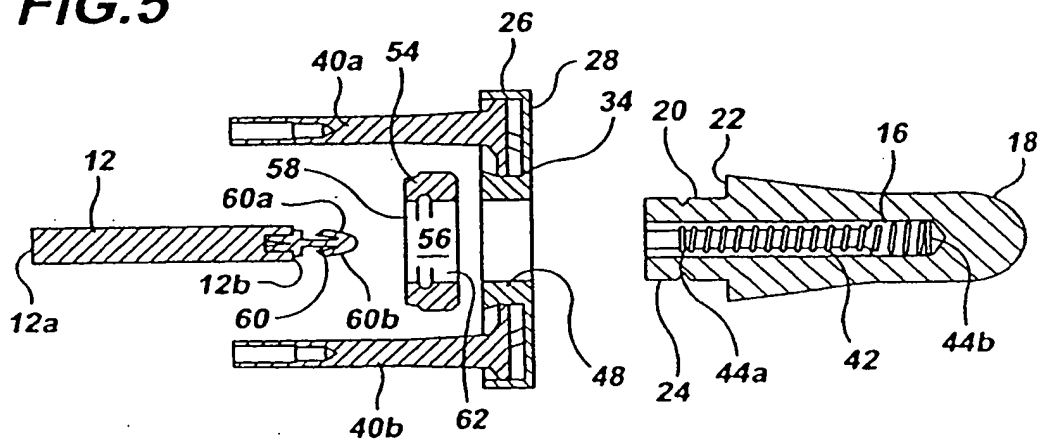


FIG.5



Attachment #2

REPLACEMENT PAGE